

DEPARTMENT OF TRANSPORTATION**Research and Special Programs Administration****49 CFR Part 174**

[Docket No. HM-197; Notice No. 85-2]

Shippers; Use of Cargo Tanks, Portable Tanks, IM Portable Tanks, and Multi-Unit Tank Car Tanks in TOFC and COFC Service**AGENCY:** Materials Transportation Bureau (MTB), Research and Special Programs Administration, DOT.**ACTION:** Advance notice of proposed rulemaking (ANPRM) and notice of public hearing.

SUMMARY: The Federal Railroad Administration (FRA) and MTB are considering development of safety standards that would permit the use of cargo tanks, portable tanks, IM portable tanks, and multi-unit tank car tanks in trailer-on-flatcar (TOFC) and container-on-flatcar (COFC) service. Use of these tanks when transporting a hazardous material is currently prohibited except where specific approval has been granted under conditions approved by FRA.

DATES: (1) *Written Comments:* Written comments must be received by June 27, 1985.

(2) *Public Hearing:* A public hearing will be held at 10:00 a.m. on June 11, 1985. Any person who desires to make an oral statement at the hearing should notify the Docket Clerk before June 6, 1985.

ADDRESSES: (1) *Written Comments:* Address comments to the Dockets Branch, Materials Transportation Bureau, U.S. Department of Transportation, Washington, D.C. 20590. Comments should identify the docket and notice number and be submitted in five copies. Persons wishing to receive confirmation of receipt of their comments should include a self-addressed stamped post card. The Dockets Branch is located in Room 8426 of the Nassif Building, 400 7th Street SW., Washington, D.C. Public dockets may be reviewed between the hours of 8:30 a.m. and 5:00 p.m. Monday through Friday.

(2) *Public Hearing:* A public hearing will be held in Room 6244 of the Nassif Building, 400 7th Street SW., Washington, D.C. 20590. Persons desiring to make an oral statement at the hearing should notify the Docket Clerk by telephone (202-426-3148) or by writing to: Dockets Branch, Materials Transportation Bureau, U.S. Department of Transportation, Washington, D.C.

20590. Five copies of the statement should be provided at the hearing, if possible.

FOR FURTHER INFORMATION CONTACT: Philip Olekszyk, Deputy Associate Administrator for Safety, Federal Railroad Administration, Washington, D.C. 20590, Telephone 202-426-0896.

SUPPLEMENTARY INFORMATION: The use of multi-modal freight containers to transport both hazardous and non-hazardous materials by rail is a common practice in the United States and internationally. However, the use of portable tanks, IM portable tanks, and multi-unit tank car tanks, which are all tanks designed for use in more than one mode of transportation, is generally prohibited in rail transportation in trailer-on-flatcar (TOFC) and container-on-flatcar (COFC) service. (See 49 CFR 174.61 and 174.63.) An identical prohibition against TOFC/COFC transportation of hazardous materials applies to cargo tanks. (See 49 CFR 174.61.) Cargo tanks are tanks designed for highway use, but which potentially could be used in TOFC/COFC service.

Notwithstanding the general prohibition, the current regulations provide that specific approval can be given for tank TOFC and COFC service under conditions approved by the FRA. Four approvals for TOFC and COFC service of DOT specification 51, IM 101, and IM 102 tanks have been granted in the past several years. Recently, both the number of requests and the scope of the requests for approval of tank TOFC/COFC service have expanded. MTB and FRA believe this trend will continue as shippers perceive benefits in using containers (tanks) capable of use in several modes of transportation.

MTB and FRA believe that more complete safety criteria for TOFC and COFC service of tanks transporting hazardous material need to be established. Identification and development of appropriate safety criteria are needed, whether to guide a case-by-case approval process or to establish regulatory standards. It is appropriate to establish safety criteria at this time since, in many cases, they can be implemented without adversely affecting established transportation practices.

Tank TOFC/COFC service of hazardous materials involves many of the same safety issues as transportation in a traditional railroad tank car (single-unit tank car tank). These safety issues include pressure relief, identification, special commodity requirements, and special handling requirements. However, TOFC/COFC service involves other or different safety issues. In particular, securement of the container to the flatcar or in the highway trailer,

and securement of the highway trailer to the flatcar are concerns unique to TOFC/COFC service. MTB and FRA believe that tank TOFC/COFC service of hazardous materials has its place in the overall transportation system. However, neither MTB nor FRA is now convinced that tank TOFC/COFC would provide the same level of safety in all instances as a traditional railroad tank car given the wide range of hazardous materials involved and the differences in tank design. The adequacy of securement of a trailer to the flatcar and the trailer's potential vulnerability in TOFC service are areas of most interest to FRA.

In order to identify and develop safety criteria for tank TOFC/COFC service of hazardous materials, MTB and FRA request all interested parties to address the topic areas listed below.

1. Securement and cushioning of trailers and containers. *E.g.*, are the Association of American Railroads' specifications M-952-82, M-943-80, M-931-83, and M-1002 (paragraph 600-19 of the January 1, 1983 revision) adequate minimum safety standards?

2. Surge prevention. *E.g.*, would a minimum filling density requirement provide adequate protection?

3. Special handling requirements. *E.g.*, are train placement restrictions similar to, or identical with, those in 49 CFR §§ 174.91 to 174.93 necessary or appropriate?

4. Special commodity requirements. *E.g.*, should thermal protection and puncture resistance requirements be established for tanks in TOFC/COFC service transporting materials such as flammable gases, ethylene oxide, and anhydrous ammonia?

5. Commodity restrictions. *E.g.*, should certain hazardous materials currently authorized in the various tanks under consideration be forbidden in TOFC service, COFC service, or both types of service?

6. Lading transfer. *E.g.*, should transfer of lading from a tank while in TOFC/COFC be prohibited or would safety standards similar to, or identical with, those in 49 CFR 173.10, 177.834, 177.837, and 179.67 provide an adequate level of safety?

7. Identification. *E.g.*, what marking should be required on a tank that indicates it is authorized for TOFC/COFC service and that identifies its special features (pressure relief devices, bottom outlets, special structural features)?

8. Pressure relief. *E.g.*, should all tanks in TOFC/COFC service transporting a flammable liquid be required to have safety relief valves in lieu of, or in addition to, safety vents?

9. System performance test requirements. *E.g.*, how many, if any, impact tests of a complete TOFC or COFC system are needed to demonstrate the adequacy of the system?

Commenters are not limited to responding to the questions raised above and may submit any facts and views consistent with the intent of this notice. In addition, commenters are encouraged to provide comments on "major rule" considerations under terms of Executive Order 12291, "significant rule" considerations under the DOT regulatory procedures (44 FR 11034), potential environmental impacts subject to the Environmental Policy Act, information collection burdens which must be reviewed under the Paperwork Reduction Act, and economic impact on small entities subject to the Regulatory Flexibility Act. A transcript of the hearing will be made and placed in the public docket.

List of Subjects in 49 CFR Part 174

**Hazardous materials transportation,
Railroad safety.**

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53, App. A to Part 1 and paragraph (a)(4) of App. A to Part 106)

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Alan I. Roberts,

*Associate Director for Hazardous Materials
Regulation, Materials Transportation Bureau.*

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